IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1372 of 1984

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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GUJ STATE ROAD TRANSPORT CORPN - Appellant(s)
Versus
PRABHATSINH CHHATRASINH PARMAR & 1 - Defendant(s)

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Appearance :
MR HC RAVAL for Appellant(s) : 1,
MR AJ PATEL for Defendant(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 19/07/2006

ORAL JUDGMENT

1. By way of this appeal under Section 110-A of the Motor Vehicles Act the appellant has challenged the judgement and award dated 30.06.1983 passed by the Motor Accident Claims Tribunal, Panchmanals at Godhra in M.A.C.P. No. 706 of 1982 whereby the Tribunal awarded sum of Rs. 36,222/- by way of compensation to the appellant.

2. It is the case of the original appellant that on 19.01.1982 he was going on a bicycle towards Halol and at that time the S.T. Bus bearing registration No. 6667 came from the opposite side and dashed with the original

appellant. As a result of this accident he sustained injuries and he was taken to the Halol Government Hospital where he was treated as an indoor patient. Therefore he claimed Rs. 50,000/- by way of compensation.

3 Learned counsel for the appellant has submitted that the the compensation awarded is highly excessive. He further submitted that Tribunal has erred in awarding compensation for pain and suffering at Rs. 18,000/-.

4. Heard. On perusal of the documents placed on record it appears that while passing the judgment and award in the said petition Tribunal committed an error in awarding compensation for pain, shock and suffering. Looking to the long duration of medical treatment and in view of the decision of this Court in the case of ***Popatlal Parshottamdas Shad Vs. Gujarat State Road Transport Corporation. Ahmedabad & Ors. reported in 1982(1) GLR page No. 765*** the amount awarded under the head of pain, shock and suffering at Rs. 18,000/- is a higher side. I am of the view that the interest of justice would be met by awarded only Rs. 15,000/- under the head of pain, shock and suffering.

5. No other contentions are raised.

6. In the premises aforesaid, appeal is partly allowed. The award of the Tribunal is modified. The appellant shall be entitled to an amount of **(Rs. 36,222 (Total compensation) - Rs. 3,000/-(Reduced from pain, shock and suffering) = Rs. 33,222/-.** The amount deposited by the Corporation shall be refunded to the Corporation.

(K.S.JHAVERI, J.)

Suresh*